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# The Reg Bestie

Vol. 43 No. 9

The University of Michigan Law School

March 22, 1993

## Harvard Leaks Vote On MacKinnon Offer

By Julie Beck  
RG News Editor

"If Harvard had a secret vote on whether to keep its own professors, at least half of the faculty wouldn't get as many votes as Catharine MacKinnon," said Michigan professor Yale Kamisar. And it probably wouldn't be a secret.

Kamisar was responding to an article in last Thursday's Ann Arbor News, which followed a story in the Boston Globe, regarding Harvard's efforts to diversify its largely all-male, tenured faculty by recruiting women and minorities.

Two weeks ago, the faculty, by secret ballot, voted on whether Harvard should make efforts to recruit UM professor Catharine MacKinnon.

The Globe printed the results of the secret ballot (32-22), and found that MacKinnon lacked the two-thirds needed for making the appointment, although she did receive a majority of votes.

Kamisar stated that revealing the results to the press was inappropriate. Associate Dean Sue Eklund echoed Kamisar's sentiments, "Frankly, it's quite outrageous that the vote was made public."

Eklund likened the Harvard ballot's publication to a law firm discussing a student's GPA in a hiring committee meeting and then



MacKinnon

publishing it in the local paper.

Coordinator of the student Coalition for Civil Rights, Camille Holmes, held a silent vigil outside of the faculty meeting Friday in support of MacKinnon. Holmes stated that Harvard seems "to have a real difficulty accepting women and blacks."

Holmes added that rejecting MacKinnon, particularly given her status in the academic community, "invalidates the standards they proclaim to rely upon for objective consideration. There is a different standard for women."

Not everyone saw it that way. Free speech advocate and first amendment scholar Alan M. Dershowitz, who characterizes MacKinnon's pornography stance as censorship, told students that he strongly opposed her candidacy.

Professor MacKinnon was out of town and so could not be reached for comment. However, she told The Globe, "It's amazing how close it was without a bloody fight. Everyone knows Harvard has a problem. This is not anything new. This does suggest they have not yet moved to solve that problem."

MacKinnon's comment is in reference to the Harvard faculty's composition: of 60 tenured professors, five are women, all of whom are white, and three are black men. Dean Robert C. Clark has stated that he is seeking to diversify the faculty. Clark, in keeping with Harvard's "on the books" policy of confidentiality regarding candidacies, declined to comment on the MacKinnon situation.

What Dean Clark says may belie what others on the Harvard faculty believe or will do when voting in the future, however. An unidentified Harvard professor said, "[MacKinnon's] message is the big-

See MacKINNON, page 5



photo by Emily Auckland

## Place Your Bets!

Keith Fenton, left, Laura Miller and Benson Friedman try their luck at blackjack during this year's Casino Night. The festivities, sponsored by LSSS, were held at Theta Delta Chi fraternity house on Saturday. Students also tried their hands at roulette and craps. See related editorial on page 3.

## LSSS Elections: Youthful Experience Dominates

By Stacie Brown  
RG News Writer

"I hope the diversity of the new senate reflects the diversity of the student body's interests," said Pablo Quinones, 1L, after learning the results of the Law School Student Senate election.

Quinones' comment reflects what many always feel about student government; however, if variety of backgrounds and experience with student government are telling factors, next year's LSSS will likely prove to be aware of and work to-

wards meeting the diverse interests and needs of Michigan students.

On March 11, law students voted for their favorite LSSS candidates. The new officers are Roopal Shah, 1L, President; Chris Wilson, 1L, Vice President; Gabriel Klarsfield, 1L, Secretary; Adam Nordin, 1L, Treasurer; Lara Fetsco, 1L, Board of Governors; John Hacker and Peter Paukstelis, 2L, Representatives; and Lauren Krasnow and Rick Hsu, 3L, Representatives.

Although controversy sur-

See ELECTION, page 7

## UM Settles Pornography Dispute Artists to Receive \$3,000; Exhibit to Be Reinstalled

By Brian O'Donnell  
RG News Writer

The University of Michigan has agreed to pay more than \$3,000 to settle a dispute with a group of artists whose exhibit was closed because of complaints that some of the work was pornographic.

The dispute arose in October, when some law students objected to the exhibit, put on in conjunction with the Michigan Journal of Gender and Law's symposium on prostitution. Law students running the symposium first removed a videotape work that they found offensive, and then ordered the entire exhibit taken down.

The settlement, negotiated in part by law school Dean Lee C. Bollinger, provides for the reinstallation of the exhibit, with the university picking up the costs of preparation, publicity

and installation. The university will also pay \$3,000 in what one artist called "damages," and pay outstanding bills to the artists from the first exhibition. The total cost to the university could not be established last week.

In addition, the law school is offering to hold a public forum to explore the issues that arose during the dispute, relating to pornography, art, violence against women, and free speech.

The artists had threatened to sue, and were being represented by the American Civil Liberties Union's Arts Censorship Project.

"There was, in effect, an apology," said Howard Simon, director of the ACLU in Michigan. "I think the Dean is doing the right thing."

If there was an apology, it was between the lines.

"To settle a threatened lawsuit is not to acknowledge its reasonableness," Dean Bollinger said in a written statement. "In my judgment, the students made a mistake in doing what they did, at least without having first discussed the problems they had with the artists...But it was not a constitutional mistake or a violation of freedom of speech."

Bollinger did not return repeated telephone messages left with his secretary last week, and said Friday he was too busy to meet with an RG reporter to discuss the settlement.

The artists and their representatives insist that the removal of the artwork was an act of censorship, improperly carried out by a government agency.

"If censorship is allowed to occur

See PORNOGRAPHY, page 7

# Legal World Rocked by Controversy

By Richard Golden  
RG Opinion Co-Editor

Actually the last week was not all that controversial, but I needed a good headline to grab some attention. After all, Supreme Court Justices come and go at a rate of about once every three years under normal circumstances.

For the Democrats, however, the retirement of Justice Byron (Whizzer) White (effective in July) means that they get to appoint their first Justice since 1967 when President Lyndon Johnson appointed Justice Marshall.

Given the recent history of Senate confirmations, we could be in for some real fireworks, or we could be in for some rather dull proceedings.

For example, potential nominee Professor Laurence Tribe has a "paper trail" that likely surpasses the voluminous one left by Judge Robert Bork. For the last dozen years or so, Tribe has been a pre-eminent proponent of an activist court supporting "liberal" causes. He is often sought for comment by newspapers and magazines covering stories with First Amendment implications. Because he is so well-known even outside the legal community, Professor Tribe would likely ignite the Senate Republicans to give the Democrats a taste of their own bitter medicine.

Another potential nominee who would be sure to raise a firestorm of some sort is New York Governor Mario Cuomo, perceived by some to be the embodiment of paleo-liberal economic and social policy.

Not that I have any preferences or biases, but it would be wise for President Clinton to choose a competent jurist from the Circuit Courts that most people have not heard of, such as Anthony Kennedy or David Souter. I make no comment on their

philosophy, but rather on the circumstances surrounding their nomination and confirmation. Simply, the confirmation hearings and vote were quite uncontroversial and free of the political gamesmanship that has been engaged in by both parties.

The Founders said nothing about choosing judges who would be palatable to the whims of individual Senators; could appease interest groups; or advance the President's ideological agenda. With the danger of sounding like an idealistic priest, I would hope that the process is above such base considerations and will focus on the nominee's judicial temperament, experience, and effectiveness on a lower court.

His rather presumptuous opinion in *Bowers v. Hardwick*, the famous "Georgia Sodomy" case, notwithstanding, Justice White was a relatively moderate jurist with no outward political agenda. Clinton can go the Bush route and pick the liberal version of Clarence Thomas, or he can keep politics out of it and nominate the best jurist available. As he attempts to advance his agenda on economic policy and health care reform, the last thing Clinton needs is a protracted battle that could easily be avoided. Hopefully, the skill his confidants employed in finally finding a qualified Attorney General will carry over to the Supreme Court nomination process.

In another recent development, the "Glen Ridge" rape case is finally over, as the main defendants have been convicted and are set for sentencing. This case only recently began to receive national attention but has been news on the East Coast for over three years.

Several high school athletes were charged with sexual assault upon a mentally handicapped seventeen year old girl. At the time, the victim's mental capacity equalled that of an eight

year old child, which led her to "agree" to the acts done upon her.

The case centered on whether someone in her state could actually consent to sex acts that would be unwanted by another woman in her position. Essentially, the defense claimed that the woman viewed the attackers as friends, and she was just being friendly by going along.

One of the subtexts of the case was that it occurred soon after the so-called "Central Park Jogger" case. Some activists claimed that the upper middle class suburban teens in Glen Ridge would receive better treatment from the criminal justice system (and the media) because of their race and status.

The more important subtext, however, focuses on the mentally handicapped and how they are to be treated. Less than half the states have laws specifically covering sexual assault upon the mentally handicapped. On one hand, more laws could be passed to protect this specific class of victims. On the other hand, some say it could be difficult to "protect" the handicapped in this area, yet at the same time claim they should be assimilated into mainstream society and treated just like anyone else as much as possible.

What we have is the classic problem that occurs when attempting to grant rights to certain groups. We instinctively want them to have the same "rights" as the majority, but are we willing to impose on them the same "responsibilities"? I hope that legislatures and courts can come up with a satisfactory answer that will balance the two competing concerns.

## The Res Gestae

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The Res Gestae requests that submissions be placed on Macintosh or MS-DOS 3.5 inch disks. This will save us time and expedite the printing of your ideas. The piece may be typed in any of the following word-processing programs: WriteNow, Microsoft Word, WordPerfect or FullWrite.





# This Full House Should Have Been Flushed

RG Editorial Staff

By all accounts, this year's Casino Night fell far short of last year's success.

The bartenders served no hard liquor, no professors staffed the blackjack and craps tables, and students had no space in which to flex their elbows. Instead, students drank green beer left over from St. Patrick's Day.

The problems stem from a common source: the fire marshal's prohibition of crowds of more than 50 in the Lawyers Club lounge. This prohibition forced the Law School Student Senate to move Casino Night to a fraternity house across the street. The site proved much too small: students could not move from one side of a room to another, let alone find a spot at a bar or gambling table. Many left the party well before midnight rather than fight the crowd.

Moreover, moving Casino Night to a fraternity house meant the LSSS had to pay for a new site. Renting out the Theta Delta Chi house cost \$350 — money the Senate could not spend on the party. Thus the Senate bought green beer

— likely at a bargain price because it was left over from Wednesday — instead of scotch, vodka, gin, and bourbon. [LSSS Treasurer Brian Abrams said the lack of hard liquor was also due to too many drunk people at last year's casino night.] The LSSS was faced with a choice: no hard liquor at Casino night, or fewer Rick's nights and no end-of-the-year party. The Senate chose the former.

Hopefully next year's Casino Night will be more like last year's than this year's. Abrams said Associate Dean Edward Cooper is petitioning the fire marshal to permit larger crowds at the Lawyers Club, and Abrams was confident that the administration would make an honest effort. He explained that Dean Bollinger often hosts crowds of alumni much larger than 50 people for fundraising events; thus he also has a strong interest in permitting larger crowds. Abrams said LSSS is pressuring the administration to seek not only an exemption from the fire marshal's order for the Dean's gatherings, but for the Senate's as well.



photo by Emily Auckland

## Give Them a Hand

This year's L. Hart Wright Award winners Professor Debra Livingston, left, and Professor Theodore St. Antoine, congratulate each other after learning of their selection. They were presented with their awards at the LSSS Wine & Cheese reception Wednesday. Professors Joel Seligman and James J. White were runners-up.

## ELECTION,

continued from page 1

rounded the timing of the elections, outgoing LSSS VP Colleen Lennon pointed out that LSSS was within its constitutional guidelines by holding the election on March 11 and that elections last year were just later.

"No matter when elections were held or how long candidates had to turn in their petitions, we got the best candidates we were going to get," Lennon added. "The new officers will do a great job."

Recurring issues and currently urgent issues are at the fore of President-Elect, Roopal Shah's goals for the coming year: 1) alter the grading curve; 2) update the law school computing facilities; 3) improve placement opportunities; 4) increase student-faculty interaction; 5) coordinate basement groups to develop student relations; and 6) and expand student involvement in projects both inside and outside the law school.

However, "in the latest issue of *U.S. News and World Report*, Michigan dropped to seventh in national law school rankings. I think this stems not only from our computing facilities, but also from the current grading system and its impact on placement opportunities when compared to those of other law schools of Michigan's caliber," Shah continued.

Other new senate members offered what they see as the important issues at Michigan.

Second-year representative and write-in candidate, Jon Hacker, said, "I had decided not to run for office, but after seeing that only one other person wanted to represent my class, I decided it would be something I would enjoy."

Not only do the new Senate members have LSSS experience, but 2L representative Peter Paukstelis noted the youthful nature of the Senate.

"We have more at stake than 3Ls because we'll be here to enjoy the benefits of the changes we make. That incentive will motivate us and make our jobs easier," he said.

## New Externship Rule: Burr on Law School's Butt

Brian A. Statz  
RG Staff Writer

The American Bar Association has recently adopted a resolution imposing new restrictions on externship programs for law schools nationwide.

The resolution, entitled "Revised Interpretation 2 of Standard 306(c) Regarding Field Placement Programs," was adopted on February 6. Of special interest is the section covering externships which "award academic credit in excess of six credit hours per semester," which applies to all of Michigan's externships.

This section reads as follows: "A classroom component is required. If the classroom component is not contemporaneous, the school has the burden of demonstrating that its alter-

native is a functionally and educationally equivalent classroom experience involving full time faculty."

Schools can satisfy the classroom component by regular tutorials conducted by the full-time faculty and by ensuring "careful and persistent" faculty monitoring of the student, including an on-site visit by a faculty member during the externship period.

The reason for these regulations was the ABA's concern that some law schools were abusing the externship program by allowing students to gain credits simply by working at a firm or similar organization, without any specific educational aim.

Professor Larry Kramer explained what the new regulations could mean for Michigan:

## Letter: Rethink Tearing Down Walls

To the RG:

I write in response to Laura Miller's letter in your March 8, 1993, issue. Ms. Miller has issued a clarion call for the removal of the photos and portraits of dead-white-guys that surround us in almost every one of our classes. She characterizes their glances as "depressing and sober," and the men themselves as "ugly." They are not ugly; they are human, with all the good and the bad that accompanies that.

Ms. Miller is certainly right that the photos do not represent the diversity of lawyer's in the 1990s. They were never so intended. They represent the history of this institution. They represent the foibles and failures, as well as the triumphs, of those that have gone before us. And, yes, they represent the deplorable fact that white men have dominated the legal systems of England and the United States for centuries.

Ms. Miller would have us plaster over these facts with a decor that is more "up to date." What Ms. Miller fails to recognize is that

institutions do not live in the eternal present. Our institutions are vital links to our past, to our moral and ethical roots. Our institutions constrain us, and that is not necessarily such a bad thing. Such groundless revision tears us from the social fabric that binds us to our past and ultimately to each other.

Do not understand me to support a mindless reverence for tradition, for that would just as surely be a mistake. What I advocate is a recognition of the accomplishments of our predecessors — as white and male as they may have been — coupled with a reasoned critique of their mistakes and failures. Rather than "tear[ing] down the walls," I propose that we augment them with new faces; faces of different hues and belonging to both genders. It is cliché to say that those who forget history are doomed to relive it. It is equally true of those who deny history.

— Garrett Duarte, 2L

cost efficient for the school to send a full-time faculty member out to Timbuktu to look at the program." However, Kramer doesn't feel this will be a big deal for most students, such as those who choose more common places for externships like Washington, D.C.

Kramer admits that these regulations will have to be lived with, barring a major uproar by law schools as a group. However, he stated that the administration will be able to work something out.

Dean Virginia Gordan stated that the administration is reviewing the new regulation, and will be discussing how to deal with it. Gordan advises students who are currently preparing an externship proposal to make an appointment to discuss the situation.

"Some other schools use [externships] as an opportunity to ship students off to get no real training, to be essentially paralegals for law firms," he said. Kramer is confident that Michigan's externship program already fits the classroom component requirement.

A student who wants to go on an externship, he said, has to explain why it fits with some program of study, which means it has to have something to do with courses the student has and plans to take.

"Basically we think we're already in compliance with all of the requirements but the on-site inspection. The on-site inspection is a problem. I think what it will probably end up forcing us to do is limit the places where students can do externships. It's obviously not



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# Family Law Project Undergoes Changes

By Lynette D. Simmons  
RG News Writer

The student-initiated and operated Family Law Project has undergone two substantial changes in the past year.

During the summer the Family Law Project, in existence since the late '70s, merged with Legal Services of Southeast Michigan and as a result, the student volunteers were allowed to hire a full-time attorney, turn over the management of their finances to Legal Services, but retain control of the project.

Legal Services of Southeast Michigan pays the full-time attorney and provides her with benefits.

Mary Ann Snow, the newly hired full-time

attorney at the Family Law Project, replaced Evette Lutman, who now works at Friend of the Court, in November of 1992.

The Family Law Project came about to address the "unmet needs of survivors of domestic violence," said 2L Sharon Dulberg, the student office administrator.

The Family Law Project receives referrals from Safe House, a shelter for battered women and their children, and provides indigent survivors with legal assistance such as obtaining restraining orders and representation in divorce and child custody actions.

Snow supervises the Family Law Project, which consist of six to ten student 2L and 3L Case Supervisors, handling a docket of 5 to 10

cases each. About fifty additional law students work at the project and refer their questions to their respective case supervisors who, in turn, refer the difficult questions to Snow.

Dulberg, who has been at the project since her first year, states that it is "great having a full-time attorney because our case load has increased." She further added that Snow's constant presence allows for better training because Snow "is always available to answer questions and has tremendous litigation experience which has brought a professional atmosphere to The Project."

Before Snow became an attorney, she obtained a Masters Degree in Social Work from the University of Michigan and worked in

the Detroit and Ann Arbor area. Later, she moved to Washington, DC, where she attended the Catholic University of America's law school.

She clerked after graduation and then worked for a private law firm in Norfolk, Virginia for four years. She was also a prosecuting attorney and an assistant state's attorney in Virginia.

Snow indicated that the Family Law Project needs a full-time secretary, new computers and more space. Dulberg said Snow has not only made the atmosphere more professional by her personality, but has also put "a lot of energy into refurbishing and redecorating the Project."

## MacKINNON,

*continued from page 1*

"[MacKinnon's] message is the biggest problem. By definition, her message is intimidating to men. It's a bit of a miracle that she got as many votes as she did. I do think conservative women have a much easier time getting tenured appointments."

MacKinnon is no stranger to Harvard, or to controversy. She taught there as a visiting professor in 1980 and 1983, and in 1985 she was in Cambridge backing a proposal on the city ballot that would allow victims of pornography to sue and collect damages.

Dean Eklund stated that the process Harvard took, except for publishing the vote count, is standard procedure. "It is not unheard of to recruit like this," she said.

Typically, a faculty or the personnel committee will discuss potential candidates and will take votes on whether to begin active recruiting. This is an ongoing process.

Eklund said schools consider two things when recruiting people who are clearly established as major figures: "They don't want to recruit someone uninterested, and they don't want to begin to recruit unless they know the offer would be carried through by the school."

This, she said, is ordinary. And it's even more ordinary that a professor of MacKinnon's caliber would be frequently sought out.

"Catharine MacKinnon is really famous. She will always be under consideration at law schools across the country, and there will always be speculation about her leaving," said Eklund.

But Eklund quickly added, "She's very happy at Michigan and she is a wonderful colleague. She makes great contributions on a day-to-day basis. We are thrilled she is here."

Michigan awarded MacKinnon tenure in 1990. At that time, MacKinnon stated that "law faculties tend to vote their comfort level, and my work makes them uncomfortable." She also commented that at Michigan, faculty members "read my work, not just the headlines about it."

Eklund credited the "power of [MacKinnon's] work" to her reception by the Michigan faculty. "She is viewed by all here as a powerful legal scholar. Her strength is the power and force she gives her ideas," she said.

Wire reports contributed to this report.

## Before Picking Classes, Check Fall '92 Grades

Course	Professor	% A+	% A	% B+	% B	% C+	% C	% D+	% D	% E	G.P.A.
Civil Procedure	Shaw	2.2	13.2	23.1	30.8	19.8	9.9	1.1	0.0	0.0	3.168
Civil Procedure	Syverud	2.1	11.5	25.0	29.2	26.0	6.3	0.0	0.0	0.0	3.08
Contracts	Soper	0.0	15.2	21.7	23.9	26.1	8.7	4.3	0.0	0.0	2.98
Contracts	Gray	4.5	20.5	22.7	27.3	25.0	0.0	0.0	0.0	0.0	3.26
Contracts	Pooley	1.1	11.5	24.1	23.0	24.1	12.6	2.3	1.1	0.0	2.943
Contracts	St. Antoine	3.0	14.0	25.0	24.0	20.0	13.0	1.0	0.0	0.0	2.995
Criminal Law	Kamisar	2.3	14.9	23.0	29.9	19.5	6.9	3.4	0.0	0.0	3.08
Criminal Law	Beale	1.1	14.8	19.3	28.4	22.7	13.6	0.0	0.0	0.0	3.01
Constitutional Law	Sandalow	2.3	9.3	15.1	30.2	19.8	15.1	5.8	2.3	0.0	2.82
Constitutional Law	Pildes	2.1	13.7	21.1	26.3	25.3	10.5	1.1	0.0	0.0	3.03
Property	Kauper	2.0	18.4	18.4	24.5	22.4	14.3	0.0	0.0	0.0	3.05
Property	Payton	0.0	14.6	22.0	41.5	14.6	7.3	0.0	0.0	0.0	3.04
Torts	Schneider	0.0	15.1	20.9	23.3	25.6	12.8	2.3	0.0	0.0	2.98
Torts	P. White	2.1	16.7	25.0	35.4	18.8	2.1	0.0	0.0	0.0	3.21
Torts	Feldman	0.0	10.7	15.5	32.1	28.6	10.7	2.4	0.0	0.0	2.89
Torts	Whitman	4.1	10.2	24.5	38.8	12.2	8.2	2.0	0.0	0.0	3.1
Blood Feuds	Miller	2.2	20.0	26.7	31.1	20.0	0.0	0.0	0.0	0.0	3.27
Civil Proc. 2	Syverud	1.7	18.6	19.5	31.4	26.3	2.5	0.0	0.0	0.0	3.15
Comm. Econ. Devel.	Lehman	2.8	16.7	22.2	44.4	11.1	2.8	0.0	0.0	0.0	3.24
Comm. Trans. (sect. 1)	JJ White	3.0	24.2	27.3	33.3	12.1	0.0	0.0	0.0	0.0	3.360
Comm. Trans. (sect. 2)	JJ White	0.0	13.8	24.6	30.8	18.5	10.8	1.5	0.0	0.0	3.040
Con. Law for Foreign Stud.	Regan	6.9	65.5	27.6	0.0	0.0	0.0	0.0	0.0	0.0	3.900
Corporate Crim.	Vining	9.4	25.0	28.1	25.0	12.5	0.0	0.0	0.0	0.0	3.470
Corporate Finance	Bradley	1.4	23.9	16.9	52.1	5.6	0.0	0.0	0.0	0.0	3.310
Bankruptcy	JJ White	2.1	29.8	31.9	19.1	8.5	6.4	0.0	2.1	0.0	3.340
Crim. Appel. Practice	Ginsberg	0.0	44.4	44.4	11.1	0.0	0.0	0.0	0.0	0.0	3.663
Police Practices	Kamisar	2.2	20.2	29.2	28.1	13.5	6.7	0.0	0.0	0.0	3.240
Enterprise Org.	Seligman	0.7	12.2	44.6	33.1	8.6	0.0	0.0	0.0	0.0	3.290
Enterprise Org.	Vining	7.8	15.7	39.2	23.5	13.7	0.0	0.0	0.0	0.0	3.400
Environmental Law	Krier	4.1	19.2	26.0	28.8	17.8	4.1	0.0	0.0	0.0	3.250
Evidence	Friedman	5.3	17.5	22.8	33.3	14.0	7.0	0.0	0.0	0.0	3.230
Evidence	Livingston	2.3	23.3	27.9	30.2	9.3	7.0	0.0	0.0	0.0	3.290
Family Law	D. Chambers	1.8	23.9	28.4	33.0	9.2	3.7	0.0	0.0	0.0	3.325
Federal Antitrust	Kauper	1.6	22.6	22.6	27.4	14.5	11.3	0.0	0.0	0.0	3.180
First Amendment	Bollinger	1.2	20.2	29.8	36.9	9.5	1.2	0.0	1.2	0.0	3.290
Health Law	Payton	2.6	23.1	69.2	5.1	0.0	0.0	0.0	0.0	0.0	3.616
Immigration and Natl.	Aleinikoff	0.0	42.9	14.3	28.6	14.3	0.0	0.0	0.0	0.0	3.432
International Law	Simma	1.9	11.5	40.4	23.1	17.3	5.8	0.0	0.0	0.0	3.201
Jurisdiction and Choice	Cooper	1.5	23.9	38.8	16.4	11.9	6.0	1.5	0.0	0.0	3.310
International Trade	Jackson	3.6	16.1	23.2	35.7	14.3	5.4	0.0	1.8	0.0	3.150
Labor Law	Malamud	9.4	15.6	25.0	21.9	6.3	21.9	0.0	0.0	0.0	3.170
Legal Ethics (sect. 1)	Harris	4.2	25.0	16.7	33.3	12.5	8.3	0.0	0.0	0.0	3.330
Legal Ethics (sect. 2)	Harris	0.0	23.5	17.6	11.8	17.6	11.8	5.9	5.9	5.9	3.260
Securities Reg.	Fox	6.7	20.0	20.0	53.3	0.0	0.0	0.0	0.0	0.0	3.400
Sex Equality 1	MacKinnon	2.2	18.8	41.1	32.6	4.9	0.4	0.0	0.0	0.0	3.340
Tax 1	Kahn	2.6	25.6	25.6	23.1	10.3	0.0	5.1	5.1	2.6	3.120
Tax 1	P. White	0.0	14.8	24.6	26.2	19.7	8.2	3.3	1.6	1.6	2.960
Tax 2	Kahn	16.7	5.6	33.3	27.8	11.1	5.6	0.0	0.0	0.0	3.360
Trusts&Estates 1	Waggoner	1.7	20.0	23.3	33.3	13.3	8.3	0.0	0.0	0.0	3.190
Trusts&Estates 2	Waggoner	20.0	10.0	50.0	10.0	10.0	0.0	0.0	0.0	0.0	3.550



# The Docket

## ANNOUNCEMENTS

**ILLINOIS BAR SETS EARLY EXAM APPLICATION DEADLINE.** The Illinois Board of Admissions to the Bar has changed the application deadline for the July, 1993 Bar Exam from May 1, 1993, to April 1, 1993.

**ATTENTION SUMMER SUBLETTERS:** If you have an apartment to rent or sublet for the summer, the information must be received by Friday, March 26. Complete information should be written on the 3 x 5 card in the small black "Housing" card file box located on the table in the Student Services lobby. Your card will be copied and sent, by the Admissions Office, to summer starters beginning in April.

**INTERESTED IN BEING A LAW SCHOOL TUTOR THIS SUMMER?** If you expect to be in Ann Arbor this summer (studying for the bar, taking summer courses, etc.) and would be interested in tutoring summer law students, please contact Virginia Gordan (303 HH, 764-5269). Tutors are paid by the hour for both meeting and preparation time. Time commitment variable.

**FINANCIAL AID APPLICATION PACKETS** for 1993-94 are now available. Please pick up your packet outside of the Financial Aid Office, 310 HH.

**LOST ANYTHING IN THE LIBRARY THIS TERM?** Check the Lost and Found in the Library's Administrative Offices, Room S-180. We have books, papers, copier cards, ID, Keys, glasses, clothing and more. Hours: 8:00 to Noon and 1:00 to 5:00, Monday through Friday.

**ORIENTATION LEADERS NEEDED FOR THE GRADUATE PROGRAM:** Anyone interested in being an orientation leader for foreign students and scholars next fall (September 2 and 3), please come by the Graduate Office (307 HH) and pick up an application from Roberta Nerison-Low. Application deadline is March 31.

**The Next Administrative Committee Meeting.** The Administrative Committee will meet in Room 303 Hutchins Hall on Monday, April 19 at 3:45 p.m.

Requests for waivers to the Academic Regulations are decided by the Administrative Committee. Any student making such a request should submit a written petition to Dean Gordan's Office (303 Hutchins Hall) at least four days prior to the date of the Administrative Committee meeting. The petition must identify in writing the academic regulation(s) for which the student is requesting a waiver, the specific nature of the request and describe fully the reasons for the request.

**STUDY GROUPS:** If you are looking for study group partners, please come up to 303 Hutchins Hall and leave your name and number with Mickey Slayton. She has a card box of students who are looking for study groups and study groups who are looking for members.

**Booktrader:** Drop off used books; purchase used books at 50% off the cover price. Where: Rm. 700-B (take Library elevator to the 7th floor, NW corner of the floor). When: Thursdays, 2:00-5:00 p.m.

## CALENDAR OF EVENTS THIS WEEK

**THE BLACK LAW STUDENTS' ALLIANCE OF THE UNIVERSITY OF MICHIGAN** will sponsor a bone marrow testing drive on Monday, March 22 and Tuesday, March 23, in the Lawyers Club. Free HLA testing will be available from 12:00 p.m. to 4:00 p.m. on both days. Members of the African-American and Hispanic communities are strongly encouraged to participate and provide the LIVING GIFT OF LIFE to minorities in need of bone marrow transplants. The testing drive requires that you give two tablespoons of blood, in much the same fashion as donating blood, and consent to be entered on the registry. After your blood is HLA-typed, the results go in the computer bank to determine if a preliminary match is possible with waiting patients. The actual bone marrow donation is **not** required at this time. For more information, contact Giselle DeChabert (668-1560), Melissa Worden (663-0206) or Kathy Wordlaw (665-7529).

**RECEPTION FOR THE UNITED STATES ATTORNEY.** Interested in learning more about the job of U.S. Attorney? Here's your chance to find out what it's like to be one. Please join the Federalist Society for a reception for Stephen Markman, United States Attorney for the Eastern District of Michigan, on Wednesday, March 24, at 3:30 p.m. in the Faculty Dining Room in the Lawyers Club. The reception will be followed by the debate on D.C. statehood at 4:15 p.m.

**ON WEDNESDAY, MARCH 24, AT 4:15 P.M.** in RM. 120 HH, the Federalist Society will present a debate between Professor Ted Shaw and Mr. Stephen Markman (U.S. Attorney, Eastern District of Michigan) on D.C. statehood. Professor Sallyanne Payton will moderate the debate.

**NEW PARADIGMS OF GLOBAL SECURITY, WINTER TERM, 1993.** "Environmental Security and the United Nations Conference on Environment and Development", Wednesday, March 24, 4:00 p.m., 150 Hutchins Hall. Gunther Handl, Professor of Law, Wayne State University Law School.

**CRIMINALIZING AIDS-RISK BEHAVIOR:** Harlan Dalton, Professor at Yale Law School and member of the National Commission on AIDS, will speak on Friday, March 26, 1:30 p.m. in Rm. 218 Hutchins Hall. Professor Dalton will discuss the new trend of prosecuting people who spread HIV. Come with questions about AIDS policy and law. Sponsored by the Health Law Society.

**MARCH 26, 27 AND 28 - NATIONAL LAWYERS GUILD REGIONAL CONFERENCE** will be held at the Law School. Keynote speaker will be Miread Keane of Sinn Fein, March 26, 7:30 p.m., Lawyers Club Lounge. Saturday: workshops; Sunday: update from Haiti and a Panel on Community Recourse Against Corporate Plunder. Look for signs!!

**SUPPORT UNIVERSITY OF MICHIGAN LAW STUDENTS** participating in East Quadangle's twenty-sixth annual Women's Weekend to be held March 26-28, 1993. This year's theme is "Women and Social Change." In an effort to encourage awareness and discussion of the role of women in activism, attendance at the three day event will be open to all members of the University of Michigan community. Two law students will be participating in a program entitled "Graduate Women Advocating for Social Change" on Sunday, March 28, in Room 126, East Quad located at 701 East University. The two hour program will begin at 12:00 p.m. LESLIE NEWMAN (2L) will be leading a workshop focusing on the efforts of the Haitian Refugee Project and KARIMA BENNOUNE (3L) will discuss her anti-war activities during the Gulf War and speak on the issue of third world solidarity. There will be presentations by three other graduate students during this program. Following this program will be a panel discussion on the theme of this year's event involving Anne Herrmann (acting director of the Women's Studies Program), Christina Jose Kampfner and Lana Pollack (Michigan State Senator). Look for flyers within the Law School detailing the entire weekend's activities, or contact Donica Thomas (3L) at 764-0086.

## ADVANCE REGISTRATION FOR SUMMER '93 AND FALL '93 IS APPROACHING QUICKLY!

### Early Registration Calendar for Summer and Fall Terms 1993

Monday, March 22 - Early Registration Materials for Summer and Fall '93 are available in Room 300 HH; results of Seminar and Practical Course Sign-up will be posted.

Friday, March 26 - **DEADLINE:** Early Registration for Summer and Fall '93 Room 300 HH. 5 p.m.

Friday, April 16 - Early Registration Results distributed to pendaflexes.

April 19-20 - Students who were redlined and did not have an alternative choice can add in Room 300 HH.



# 1993 SFF Auction Raises Needed Funds

by Derek B. Lipscombe  
SFF Editor-in-Chief

As the kegs and wine bottles went empty, did students' pockets at last week's Student Funded Fellowships (SFF) Auction.

The 2nd Annual Auction raised about \$4,400, almost \$3,500 more than last year's event, and allowed the student organization to surpass its donation goal.

"The pledging definitely got higher as the pig got lower," said SFF Board Member Dave Williams, 2L. "Last year we only had wine and raised \$5,000. This year, we used green beer and got \$8,400. Next year we'll use Jack Daniels and crack the \$10,000 mark."

Prior to the auction, which was held Tuesday night in Honigman Auditorium, SFF had raised about \$34,500. The organization was hoping to raise \$40,000 this year.

SFF provides grants to Michigan Law students who take unpaid or low-paying public interest or non-profit summer jobs.

SFF receives the majority of its funds from students who have paying summer jobs, and are required to make contributions of various amounts, which are paid during the summer.

The remainder of the funds comes from sources such as alumni, firms who agree to match the donation of their summer associate, and the auction.

Students walked away with some bargains at the auction, Williams said.

One student was able to buy a BAR/BRI course for the Illinois Bar Exam for \$400, while two other students bought a week's stay (for as many people as possible) at Professor Joseph Weiler's Villa in Italy. The first trip, which was auctioned early on, sold for \$575, while the second trip, which came towards the end, went for \$710. Airfare was not included with the trips.

Other big sellers were a 5-mile run with

Dean Lee Bollinger which went with \$115 and a flight over Ann Arbor with Professor J.J. White, a retired colonel with the Air National Guard, which sold for \$325.

Other auction items included: bar exam review courses; dinners with professors at restaurants or at their homes; a drink-till-you-drop escapade with Professor Bill Miller; a billiards game against Professor Jim Krier; a 400 M swimming race with Professor Mathias Reimann; a diving lesson from Michigan Coach Dick Kimball and Olympic Gold Medalist Mark Lenzi; pieces of the Berlin Wall; and, autographed copies of various professors' books.

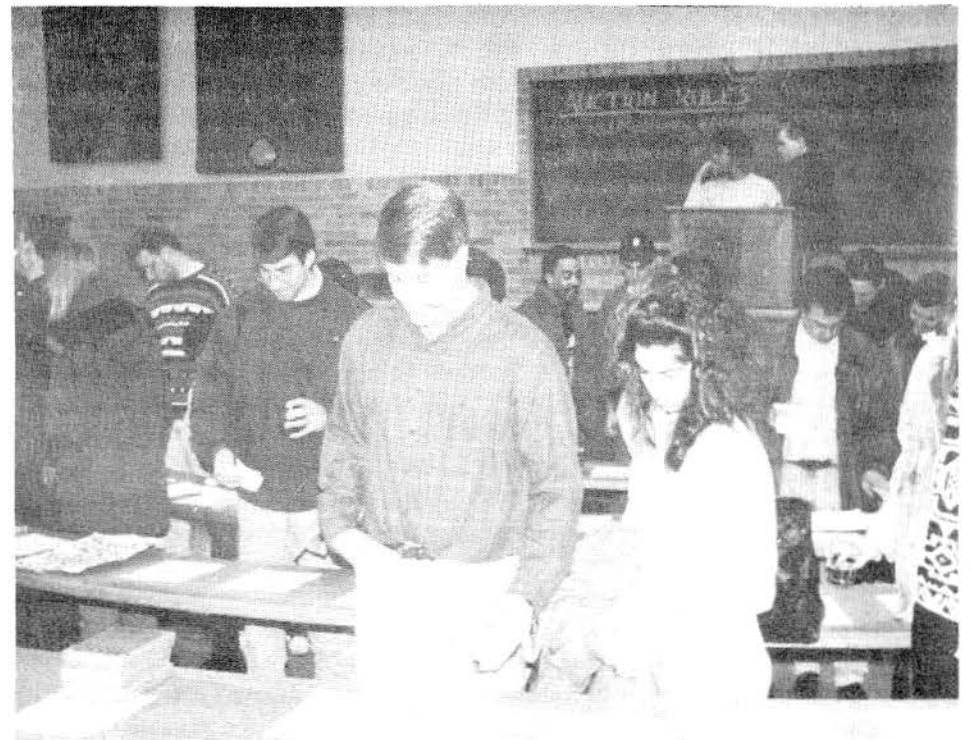
While SFF actually received more than \$8,400 in donations at the auction, it had to pay for many of the bar review courses which were auctioned-off. It almost did not recoup the money on one course, a \$1,500-New York Bar Review course for which SFF paid \$895 and only received a \$900 bid.

SFF's funding drive got off to a rough start this year, in part, because students were reluctant to donate and also because it had to cover up a large deficit due to a large number of unpaid pledges from last year. Usually, SFF receives about 80 percent of the pledges made. But last year, only about 50 to 60 percent of students followed through on their pledges.

"We had a really slow start this year, which made (the board) worry," said Williams.

But while the SFF had a low number of pledges at first, the board decided to use a phon-a-thon for the first time this year and the decision paid off.

Williams said that SFF should be able to fund about 60 students this summer, which would surpass the 53 from last summer. The organization also will be funding a much higher percentage of students, since applications were down this year from 106 to 84.



photos by Emily Auckland

Above: Mike Russell, left, and Valerie Aks were among the students poring over the available items at the auction. The auction raised \$8,400 for this summer's program, \$3,500 more than last year.

Right: Auctioneer Kip Cinnamon conducts the evening's affairs. Among the items he auctioned off, students purchased seating charts, dinner with various professors and an airplane flight with Professor J.J. White.



## PORNOGRAPHY,

continued from page 1

on a university campus, particularly a law school, where is the hope for freedom of expression?" asked Carol Jacobsen, the Ann Arbor artist who put together the exhibit, featuring her work and the works of six other artists from around the country. She said the ACLU was confident it would have won an injunction forcing reinstallation of the exhibit.

"It was especially ironic that this sort of blatant censorship occurred at one of the country's leading law schools, and was carried out by the next generation of attorneys," said Robert Carbeck, president of the Washtenaw County branch of the ACLU, in a written statement.

In removing the art exhibit, the law students were responding to complaints from participants in the prostitution symposium, who argue that pornography leads to violence against women. But Jacobsen said that silencing the artists - who included two prostitutes - narrowed the very debate the symposium should

have been fostering.

"It's an ongoing attack on marginalized sexuality," said Jacobsen, who advocates the decriminalization of prostitution and refers to prostitutes as sex workers. "It's an extremist position to say that imagery causes violence. I mean, it's absurd."

The dispute has also left the Michigan Journal of Gender and Law with something of a black eye as the journal prepares to launch its first issue, which will look at prostitution. Some people feel that the attempt to restrict debate during the symposium represented a larger unwillingness by the journal to present a broad range of ideas.

"There was less and less room on the journal for people with differing viewpoints," said Lisa Lodin, a second-year student who quit the journal. "There was less respect for people with differing viewpoints. There was less tolerance for people with differing viewpoints."

For example, Lodin said, Journal members were unable to reach a compromise about the journal's participation in settling the dispute. Some members wanted to display and

discuss the works, she said, while others refused to endorse any display of pornography, even in an academic setting, because of a feeling that it directly harms women.

"Those two viewpoints are completely incompatible," Lodin said. "I am not so committed to a specific feminist agenda as I was to participating on a journal and exploring ideas. I didn't feel that I could contribute much more in the atmosphere that developed after the pornography dispute."

Lodin's replacement as coordinator of the articles committee, Annemarie Pace, denied the Journal was suffering from narrow vision. Members "all agree on a general view" that prostitution harms women, Pace said. But, she added, "[t]here's so much diversity within that view. We have a wide variety of views on the Journal right now."

The first issue of the Journal, which is due out in September, will offer a broader mix of writing styles than the typical law journal, Pace said. It will feature not only traditional academic pieces, she said, but also a narrative by a woman who calls herself a "call girl," social science pieces by social workers helping women

escape their lives as prostitutes, two legal briefs, and speeches, including one by Michigan law Professor Catharine MacKinnon.

The Professor was rumored to have been a factor in the original decision to remove Jacobsen's exhibit. MacKinnon denied that she tried to influence the students to take down the exhibit, although she had been an influential person in bringing some of the speakers to the symposium, such as feminist activist Andrea Dworkin.

While MacKinnon may have not been a factor in the decision to remove Jacobsen's exhibit, some former Journal members said that when the Journal had a meeting shortly after the symposium to decide how to settle the issue, the professor stopped an attempt to view Jacobsen's videotape at the meeting.

The Journal's first issue may also include an article by Jacobsen, although Jacobsen said she has not felt that her submission has been welcomed by the Journal staff. Journal members and Jacobsen are discussing and editing an article she wrote.



## Princesses Without a Country

# The 'Royal Mail' Has Arrived

Dateline: The day before spring (although it is snowing....)

First, a disclaimer. In our column last issue we responded to a letter complaining about an excessive talker in federal courts. We removed the name of the offending individual, but apparently some of our avid readers believed that the number of X's somehow correlated to the letters of the offender's name. Wrong. First, we aren't that stupid... we were trying to shield the lame. Second, we have better things to do than count X's and letters. Obviously, many other law students don't. However, if you for any reason thought that this was your name in the column, take note: You probably are talking too much.

### Dear Princesses,

I have a favor to ask. I have been trying to meet that gorgeous Latino third year Dan LaSalle, however at law school social functions he is always surrounded by shameless women hitting on him. I have heard that the Princesses have an "in" with him. Is there anything I can offer you for an introduction? Thank you.

— Bright Eyed and Bushy Tail

P.S. Is there any truth to the rumor that Dan LaSalle (3L) and Craig Hoetger (3L) will be leaving the law school to become the new hosts of YO! MTV Raps?

### Dear Bright,

As to the rumor, no. However, Craig may be seen next year assisting Pauly Shore in MCing MTV's Spring Break coverage. (Craig will be working in Boca Raton next year - if anyone needs a place to crash when the cold gets too much).

As to Dan LaSalle: of course we have an in with him, we have an in with everybody. As to price, we can be easily bought. All we want is an outline for Government and Business in Western Europe, and some help figuring out what the hell the term paper questions are about. This class was advertised as a first year

elective course. Unbeknownst to us, Antitrust and International Trade are de facto prerequisites. Help!

### Dear Princesses,

I simply could not let your statement that Susan Butcher has won the Iditarod more times than any other person go unchallenged. I am sure that Rick Swenson, who has won the Iditarod 5 times to Butcher's four is very upset to learn that he is not a person. I point this out merely because I want my name to appear in the RG. Brian Johnson. Thank-you.

— Signed, a young 1L attempting to show his research ability. (Paying attention, Law Review?)

### Dear Brian,

Your name is now in the RG. We write this column so we get to make up whatever facts we want. (However, in order to quash certain rumors, we NEVER make up the letters we respond to, they come from our loyal readers.) Our dear friend David Dinielli is now managing editor of the Law Review. Drop by his office anytime to chat, we are sure that after all we did to get him elected, he will return the favor by securing you a spot on the Law Review. (If that's what you really want). Might we add that you show an annoying obsession with detail that would possibly make you an excellent associate editor.

By the way, there's another rumor floating around that the royal we are obsessed with David Dinielli. (In fact, the rumor can be traced to David.) Actually, we are merely responding to a request that he made in September that his name be included in every column. It pains us greatly that our attempts to honor a friendly pledge have been twisted in such a way. Keep your eyes out for the final, not-to-be-missed David Dinielli story, appearing in our last column of the year....it's a doozy!

### Dear Princesses,

You were very right in noticing that there

are a lot of short men in the Law School. But your observation brings up another, rather weighty issue that bears heavily on the minds of law school men both short and tall. Just as the men here are "vertically challenged", the women seem to be, shall we say, "laterally challenged".

Just watch the aerobics class in the Club lounge. Although the number of women participating is dropping, the pounds certainly aren't. Or watch closely who buys maternity clothing at the Student Senate clothing sale. They can't all be pregnant.

This problem is especially troubling for 20-something women. Unlike the Baby Boomers, who can claim age and health problems, the Belly Boomers have no such excuse. The solution is simple: more leg work, less table work.

— Signed, Looking for Ms. Weighs Less Than I Do

### Dear Looking,

We had not noticed the lateral challenge. Apparently, we were too preoccupied feasting our eyes on the washboarded stomachs and overly developed pectoral muscles of the men around here. Thus, we decline to comment on whether such a problem does exist. But on behalf of those who are arguably so challenged, we would like to paraphrase Winston Churchill: "I may be fat, but you are short and bald, and I can diet."

### Dear Princesses,

I have a great deal of admiration for your opinions and activism, particularly your stand against those who feel the need to douse themselves in perfume. However, I have a gripe which desperately needs to be addressed. Five minutes between classes just isn't enough time to exit a class, descend the stairs, go to the bathroom and make it to class on time. While I recognize that a Princess never schedules back to back classes, nor plans on attending them, the lack of time between classes is insufficient for me: and I'm only a nominal prince. Please address my problem in your column.

— Yours Truly, Weak Bladder (3L)

### Dear Weak Bladder,

Many people are not aware of this, but the Americans with Disabilities Act is now effective law. As a weak bladdered individual, you fall into a category of protected persons. Feel free to stand up in class any time you feel the need and announce: "I am exercising my statutorily protected rights" and leave. There is no case law on this yet, but some experts believe that the professor may be required to suspend class until you return.

Of course, the Act protects you in many circumstances other than the classroom. Never hesitate to use any bathroom, regardless of sex designation. Also, you are fully authorized to jump to the head of any line, especially in bars and at football games. (If those asshole managers/bouncers at Rick's give you any trouble, just punch them. They annoy us.) Most importantly, you are entitled to relieve yourself anywhere you feel appropriate, so all cumbersome "peeing in public laws" that proved problematic for Jerry Seinfeld just don't apply to you. We are sure that by next issue some law review geek will have provided us with the appropriate case and statute cites. (In fact, in some dark corner out there, some poor soul is trying to publish a note on this topic. We beat them.)

**Food Notes:** While in the Windy City last weekend, our royal selves experienced a heavenly treat: Parmesan Garlic mashed potatoes. Mr. Looking is probably making lateral comments as he reads this, but we'll have him note that we spent several hours aerobically shopping to work off this sublime experience.

Here in Ann Arbor, the Champion House provides a delightful escape from the typical fare of pizza and sandwiches. Celebrating their first anniversary on April 2nd, this Japanese steak house makes excellent teriyaki chicken at your table...accompanied by all the traditional knife throwings and flaming shrimp.

Ta Ta for now.....

## Law in the Raw

By Gard & Ward

### Love and Marriage...

Eric F. Murillo, charged with shooting his fourth wife to death in Fayetteville, North Carolina, in July said it was an accident. Murillo received probation for the accidental shooting death of his first wife 21 years ago. Wife number 2 committed suicide, and wife number 3 divorced Murillo after he put a loaded .357 Magnum in her mouth and threatened to kill her. Murillo acknowledged that the circumstances "look terrible" but said he was just unlucky.

### "Perhaps if he had slit her throat..."

Judge Jerome Paradis of Vancouver found David Alexander Snow guilty of sexual assault in September but not guilty of the attempted murder of his victim, a 53-year-old woman. Wrote Paradis, "I cannot conclude that the placing of the wire around the neck of the victim and/or the placing of the plastic over her head are sufficient to establish a specific intent to kill."

### ...And Marriage.

Richard Usher Jr. was arrested in Decatur, Georgia, in June for bigamy when his wife, Evelyn Deloris, found out via an insurance payoff that another Mrs. Richard Usher Jr. (Evelyn Nelms, whom Usher had married in 1985) had just passed away. Wrote Detective C. E. Bolson in his report, "The only explanation [Usher] could offer was that he did not remember marrying [Evelyn Nelms]."

### "Thanks honey. I love you, too."

Former Quik Trip convenience store employee Mark Douglas, 32, was arrested for robbing a store in December in Overland Park, Kansas, after police interviewed him and his girlfriend, whom he had apparently failed to brief. The robber had worn a cap, and when the police asked Douglas whether he had such a cap he said no, but the girlfriend said, "Yes, you do. It's in the closet."

### "All I want for Christmas..."

In November the Vermont supreme court was ordered to try a discrimination lawsuit by employee Mary Hodgdon against the Mount Mansfield resort. The resort, which was trying to improve its image in 1987 to four-star status, fired Hodgdon because she refused to wear her false teeth, which she said were painful. Wrote the resort management, "Employees [are] expected to have teeth and wear them daily to work."